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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,618	07/03/2003	Raymond J. Anater JR.	9255-902	4373

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EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,618

Applicant(s)

ANATER ET AL.

Examiner

Richard Ridley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-22-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-6-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 34, 35, 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USP 4232777 in view of Sanchez USP 6746063.

Smith discloses a similar method comprising:

- Advancing multiple bread pans with a conveyor assembly (12)
- Inverting the multiple bread pans with an inverting apparatus (10) such that the open side faces downward
- Transferring the multiple bread pans having the open side facing downward (18) from the conveyor assembly to a container stack (C1/L22-23)
- Stacking the multiple bread pans in a nested manner with the open side facing downward (C2)

While Smith et al. do indeed disclose transferring the multiple bread pans having the open side facing downward (18) from the conveyor assembly to a container stack (C1/L22-23), they do not disclose performing this transfer with a lift assembly of a robotic device.

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Sanchez teaches the transferring articles with a lift assembly of a robotic device (fig. 6) for the purpose of providing for a means to facilitate the transfer articles (abstract) by use of robotic means instead of manually.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a lift assembly of a robotic device, as taught by Sanchez, in the device of Smith et al. for the purpose of providing for a means to facilitate the transfer articles by use of robotic means instead of manually.

Re claim 35, while Smith et al. do indeed additionally disclose transferring the multiple pans having the open side facing downward from the stack to a conveyor assembly (C1/L20-22; C2/L59-60) and advancing the multiple pans with the conveyor assembly (12) toward another inverting apparatus (10) with their open side facing downward (C2/L59-60), and inverting these multiple pans that have their open side facing downward such that the open side faces upward, They do not disclose employing the use of another robot to perform the aforementioned step of transferring the multiple pans having the open side facing downward from the stack to a conveyor assembly.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of another robot to perform the aforementioned step of transferring the multiple pans having the open side facing downward from the stack to a conveyor assembly in view of Sanchez who teaches the use of a robot for handling articles which might otherwise be handled manually and since it was well known at the time of the invention to employ the use of a robot as an efficient means to transfer articles.

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3. Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USP 4232777 in view of Sanchez USP 6746063 and further in view of Knudsen USP 5564890.

Smith et al. discloses all of the claim limitations as above, but does not disclose storing the multiple pans with a container storage and retrieval system transfer vehicle .

Knudsen teaches the use of a container storage and retrieval system transfer vehicle (18) for the purpose of providing for a means to storage and retrieve articles (C1/L12+).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have stored the multiple pans with a conveyORIZED stacking station, as taught by Knudsen, for the purpose of providing for a means to storage and retrieve articles

4. Claims 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USP 4232777 in view of Sanchez USP 6746063 and further in view of Kuhl USP 6769862.

Smith et al. discloses all of the claim limitations as above, but does not disclose storing the multiple pans with a conveyORIZED stacking station.

Kuhl teaches the use of a conveyORIZED container stacking station (fig. 1; 24) for the purpose of providing for a means to transfer a stack of articles (C1/L12+) together rather than one-by-one.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have stored the multiple pans with a conveyORIZED stacking station, as taught by Kuhl, for the purpose of providing for a means to transfer a stack of articles together rather than one-by-one.

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5. Claims 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USP 4232777 in view of Sanchez USP 6746063 and further in view of Grams USP 6579053.

Smith et al. discloses all of the claim limitations as above, but does not disclose storing the multiple pans with a manually repositioned cart.

Grams teaches the use of a manually repositioned cart (fig. 11) for the purpose of providing for a means to store and transfer a stack of articles (abstract/L9)

It would have been obvious to one having ordinary skill in the art at the time of the invention to have stored the multiple pans with a conveyORIZED stacking station, as taught by Grams, for the purpose of providing for a means to store and transfer a stack of articles.

Conclusion

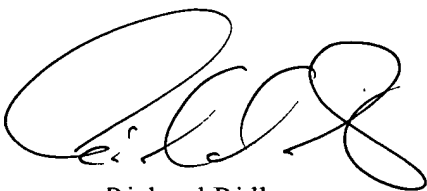
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Richard Ridley', with a large, stylized loop at the end.

Richard Ridley
12 April 2005

Richard Ridley
Primary Examiner
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